

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKUSDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#: 1-8-24
DATE FILED: 1-8-24----- x
:
UNITED STATES OF AMERICA

- v. -

MICHAEL BUFFOLENO,

Defendant.

: CONSENT PRELIMINARY ORDER
OF FORFEITURE/
MONEY JUDGMENT
: S1 22 Cr. 642 (ALC):
----- x

WHEREAS, on or about August 29, 2023, MICHAEL BUFFOLENO (the “Defendant”), along with another, was charged in a three-count Superseding Indictment S1 22 Cr. 642 (ALC) (the “Indictment”), with conspiracy to commit health care fraud, in violation of Title 18, United States Code, Section 1349 (Count One); health care fraud, in violation of Title 18, United States Code, Sections 1347 and 2 (Count Two); and aggravated identity theft, in violation of Title 18, United States Code, Sections 1028A(a)(1), 1028A(b) and 2 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as Counts One and Two of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(7), of any and all property constituting or derived from any proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, on or about 1/4/24, the Defendant pled guilty to Count Two of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count Two of the Indictment and agreed to forfeit to the United States pursuant to Title 18, United States Code, Section 982(a)(7), a sum of money

equal to \$304,283 in United States currency, representing the amount of proceeds traceable to the commission of the offense charged in Count Two of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$304,283 in United States currency, representing the amount of proceeds traceable to the offense charged in Count Two of the Indictment that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count Two of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorneys Matthew Shahabian and Katherine Cheng, of counsel, and the Defendant and his counsel, Ariel Werner, Esq., that:

1. As a result of the offense charged in Count Two of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$304,283 in United States currency (the “Money Judgment”), representing the amount of proceeds traceable to the offense charged in Count Two of the Indictment that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant MICHAEL BUFFOLENO, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals

Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

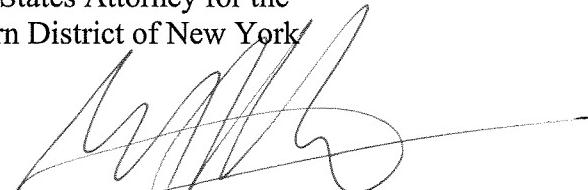
7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

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8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 

MATTHEW SHAHABIAN
KATHERINE CHENG
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1046/-2492

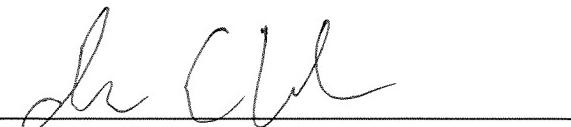
1/4/24
DATE

MICHAEL BUFFOLENO

By: 

MICHAEL BUFFOLENO

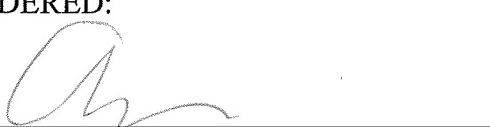
1/4/2024
DATE

By: 

ARIEL WERNER, ESQ.
Attorney for Defendant
52 Duane Street, 10th Floor
New York, NY 10007

1/4/2024
DATE

SO ORDERED:


HONORABLE ANDREW L. CARTER JR.
UNITED STATES DISTRICT JUDGE

1/4/2024
DATE